

Panel cheers water infrastructure funds with uncertain future

By Miranda Willson

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The 2021 infrastructure law directed \$50 billion in funding to fix water pipes and treatment plants across the nation — the largest federal investment ever for drinking water and wastewater.

Now, with the law set to expire next year, Senate Environment and Public Works Chair Shelley Moore Capito (R-W.Va.) and Democrats are pushing to reauthorize the funding.

The committee heard Wednesday from a drinking water utility in Nebraska, a wastewater provider in Ohio and an advocacy group for state drinking water officials about how the law has helped communities address water challenges.

Signed by former President Joe Biden and supported by 19 Senate Republicans at the time of its passage, the law included billions in the form of grants and loans to help cities and towns remove toxic lead pipes and filter dangerous “forever chemicals” from drinking water.

“In short, this law is moving our nation's water infrastructure systems forward,” Capito said. “We must get to work now to build on that progress while addressing any concerns with its implementation.”

The push on the infrastructure law comes as the Trump administration pledges to cut federal spending, including at EPA, which has been distributing the water and wastewater funds to states and communities.

Trump tried to freeze funding from the infrastructure law when he came in office in January and some programs are still frozen, according to lawsuits from nonprofits. More broadly, EPA Administrator Lee Zeldin has said he will slash agency spending this year by 65 percent.

In addition, [almost 550 EPA](#) staffers have taken the Trump administration's deferred resignation offer. The agency sent out another resignation offer this week.

If Congress approves more federal funding for water and wastewater, a “high-functioning EPA” will be essential to seeing the money get out the door, said Sen. Adam Schiff (D-Calif.).

“We need experts at EPA to implement funding for water infrastructure,” Schiff said. “The bipartisan infrastructure law was a great start to providing needed investments to our water systems, but it must be just that, just a start.”

Capito said her priority is to extend the funding for water projects on a bipartisan basis while making it easier for small and rural communities to access federal dollars through EPA's Drinking Water and Clean Water State Revolving Funds.

Some small water providers have said requirements that they provide matching dollars to obtain a grant or loan is a barrier to entry. Tom Goulette, city administrator and utility superintendent for West Point, Nebraska, said over 70 percent of the funds currently are going to “larger systems.”

PFAS anxiety

The hearing also included discussion about water and wastewater utilities' anxieties over lawsuits and liabilities stemming from “forever chemicals,” known as PFAS.

EPA's Zeldin addressed the topic this week, saying he would begin setting PFAS pollution standards — known as effluent limitation guidelines — to help keep the substances out of rivers, streams and lakes.

Zeldin also indicated his desire to “engage with Congress and industry” to establish a framework to shield entities like drinking water and wastewater providers from PFAS liabilities. Both industries have described themselves as “passive receivers” of the chemicals, because they did not manufacture them.

In his testimony, Goulette urged lawmakers to support the proposed “Water Systems PFAS Liability Protection Act,” which would explicitly exempt water and wastewater providers from Superfund liabilities for PFAS.

“Wastewater treatment plants are not producing PFAS, and our ratepayers, our customers as public utilities, should not have to bear the brunt of dealing with PFAS at the end of the pipe,” added Kyle Dreyfuss-Wells, chief executive officer of the Northeast Ohio Regional Sewer District, in an interview after the hearing.

Environmental advocates oppose establishing a carve-out under the Superfund law for water and wastewater utilities, which they fear would create loopholes and make it harder to clean up the chemicals.